



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
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BOSTON, MA 02109-3912

February 17, 2017

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Janis O. Kearney
Director of Environmental Compliance
Massachusetts Bay Transportation Authority
10 Park Plaza
Boston, MA 02116-3974

Clary Coutu
Environmental Compliance Manager
Keolis Commuter Services, LLC
470 Atlantic Avenue
Boston, MA 02210

Dear Ms. Kearney and Ms. Coutu:

The United States Environmental Protection Agency ("EPA"), Region 1 has received numerous complaints during the past year regarding commuter locomotive idling at the Massachusetts Bay Transportation Authority ("MBTA") layover facilities located in Bradford, Greenbush (Scituate), Needham, North Station (Boston), and Widett Circle (South Boston). EPA Region 1 personnel have previously discussed some of these complaints with the MBTA. EPA Region 1 is currently evaluating whether the MBTA and Keolis Commuter Services, LLC ("Keolis") are in compliance with federally-enforceable state air regulations approved by EPA pursuant to the Clean Air Act ("CAA").

Specifically, EPA Region 1 is evaluating whether the MBTA and Keolis are in compliance with the federally-approved Massachusetts diesel locomotive regulation set out at 310 Code of Massachusetts Regulations ("CMR") 7.11(2), which is part of the CAA's Massachusetts State Implementation Plan ("SIP") and is federally enforceable by EPA.

EPA Region 1 is also evaluating whether the MBTA is in compliance with the terms of a judicial Consent Decree, entered in federal district court in 2010, that settled a commuter rail idling case (Civil No. 10-11311) brought by the United States on behalf of EPA against the MBTA and the Massachusetts Bay Commuter Railroad Company, the previous operator of the MBTA commuter rail system. Paragraph 14 of the Consent Decree confirms that the MBTA is subject to and must comply with the Massachusetts diesel locomotive regulation cited above. In addition, Paragraph 15 of the Consent Decree states that the MBTA "shall install, operate, and maintain electric power plug-in stations ("plug-ins") at all of [the MBTA's] layover facilities in [the MBTA's] commuter rail system such that, at all times, there are sufficient plug-ins to fully supply electric auxiliary power to all diesel locomotives that lay over at [the MBTA's] layover facilities."

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Section 114(a) of the CAA, 42 U.S.C. 7414(a), authorizes EPA to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with CAA requirements (including SIP requirements) or to carry out other purposes under the CAA.

Therefore, the MBTA and Keolis are required to provide EPA Region 1 with information in response to the questions listed below regarding the MBTA's commuter rail idling and operations. The MBTA and Keolis must provide their responses by no later than March 31, 2017. If the MBTA and Keolis provide their responses jointly, please indicate for each question whether the responsive information was provided by the MBTA, by Keolis, or by both. If possible, the MBTA and Keolis should provide the information responsive to Questions 3 and 4 in an electronic spreadsheet format.

1. Provide a chart in the same format as the attached chart (Consent Decree Attachment II) with the following information:
 - a. all current MBTA layover facilities and locations,
 - b. the address of each MBTA layover facility/location,
 - c. the number of operational electric plug-in stations at each facility/location (and the total number of plug-ins, if different);
 - d. the maximum number of locomotives stored at one time in each facility/location; and
 - e. any relevant comments or notes.
2. Describe any significant changes to locomotive layover practices or procedures from January 1, 2015 to the present at the following layover facilities/locations: Commuter Rail Maintenance (aka Boston Engine Terminal), Yard 14; Commuter Rail Maintenance, West End Diesel House; North Station Terminal; Bradford; Greenbush (Scituate); Needham; and Widett Circle (all South Boston locations, including the Maintenance/Storage Building, Track 4 and Runner Track).
3. For the layover facilities/locations and time periods listed below, provide any locomotive idling logs or other records containing idling information (such as repair log sheets) that were made by MBTA or Keolis (or by contractors working for MBTA or Keolis):
 - a. Commuter Rail Maintenance Facility (aka Boston Engine Terminal), Yard 14: for November 1, 2016 to January 30, 2017
 - b. Commuter Rail Maintenance Facility, West End Diesel House: for November 1, 2016 to January 30, 2017
 - c. North Station Terminal: for November 1, 2016 to January 30, 2017;
 - d. Bradford Layover Facility: for January 1, 2016 to June 30, 2016, and month of August 2016
 - e. Greenbush Layover Facility (Scituate): for January 1, 2016 to June 30, 2016, and month of December 2016
 - f. Needham Layover Facility: for January 1, 2016 through July 31, 2016
 - g. Widett Circle Commuter Rail Service/Inspection Facility, Maintenance/Storage Building: for January 1, 2016 to June 30, 2016, and month of December 2016

- h. Widett Circle Facility (any other South Boston locations, including Track 4 and Runner Track): for January 1, 2016 to June 30, 2016 and month of December 2016
- 4. For the calendar year 2016, provide copies of any locomotive idling exception reports, or other reports or records that collect and describe periods of locomotive idling in excess of 30 minutes, pertaining to the MBTA commuter rail system that were made by MBTA or Keolis (or by contractors working for MBTA or Keolis).
- 5. Provide a detailed explanation of any actions that the MBTA and Keolis have taken in calendar years 2016-17 to address the following MBTA commuter locomotive issues that may affect locomotive idling times:
 - a. battery charger issues (i.e., new locomotive batteries not charging and/or running down at a faster rate);
 - b. locomotive “dump valve” issues (i.e., dump valves not operating as designed or set); and
 - c. any other systemic equipment or operational issues with the MBTA’s new or older locomotives that affect idling times.
- 6. On several occasions this winter, MBTA and Keolis have announced that commuter locomotives would idle overnight at certain locations because of cold or other severe weather. Provide any written MBTA or Keolis policies or guidance (and describe any unwritten MBTA or Keolis policies or practices) regarding such locomotive idling. List all dates (with layover locations) from November 1, 2016 through February 28, 2017 where MBTA commuter locomotive were idled overnight because of these policies, guidance or practices. Explain how these policies, guidance or practices relate to the MBTA’s procedures for layover locomotive idling in extreme weather, entitled “Layover Facilities Locomotive Idling Standard Operating Procedure #ENV113 Extreme Weather Conditions Procedures,” dated January 16, 2009.

Be aware that if the MBTA and Keolis do not provide the required information, EPA may order the MBTA and Keolis to comply and may assess monetary penalties under Section 113 of the Act, 42 U.S.C. § 7413. Federal law also establishes criminal penalties for providing false information to EPA. This CAA Reporting Requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act.

The MBTA and Keolis may, if desired, assert a business confidentiality claim covering part or all of the information required, in the manner described by 40 CFR § 2.203(b). Note that certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA Region 1, the information may be made available to the public by EPA without further notice to the MBTA or Keolis. You are required to submit the above-required information to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code OES04-3
Boston, MA 02109-3912
Attn: Christine Sansevero

If you have any questions about this CAA Reporting Requirement, please have your legal counsel contact Steven J. Viggiani, Senior Enforcement Counsel, at (617) 918-1729.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship
U.S. EPA Region 1

Attachment

cc: Susan Ruch, MassDEP, Northeast Region
Julie Ross, MassDEP, Boston Office

MBTA/MBCR Layover Facilities and Locations

Location	Address	Number of Electric Plug-In Stations	Number of Electric Plug-In Stations Operational	Maximum Number of Locomotives Stored at One Time	Notes
Bradford Layover Facility	86 Railroad Avenue Bradford, MA 01835	4	4	4	Overnight Storage
Commuter Rail Maintenance Facility (aka Boston Engine Terminal): Yard 14	70 Rear Third Avenue Somerville, MA 02143	10	10	10	
Commuter Rail Maintenance Facility: West End Diesel House	70 Rear Third Avenue Somerville, MA 02143	2 (proposed)	0	8 (proposed)	Each new plug-in station will supply electric power to four locomotives on two tracks; work to be completed by 9/1/10.
Fitchburg Layover Facility	110 Summer Street Lunenburg, MA 01462	5	5	5	Overnight Storage
Franklin Layover Facility	110 Depot Street Franklin, MA 02038	3	3	3	Overnight Storage
Greenbush Layover Facility	New Driftway Road Scituate, MA 02066	4	4	4	Overnight Storage
Kingston Layover Facility	60 Marion Drive Kingston, MA 02364	4	4	4	Overnight Storage
Middleboro Layover Facility	65 West Clark Street Middleboro, MA 02346	4	4	4	Overnight Storage
Needham Layover Facility	130 West Street Needham, MA 02492	3	3	3	Overnight Storage
Newburyport Layover Facility	9 Newburyport Turnpike Newbury, MA 01951	4	4	4	Overnight Storage
North Station Terminal	135 Causeway Street Boston, MA 02114	10	10	0	

Pawtucket Layover Facility	5 Access Road Pawtucket, RI	6	6	6	Overnight Storage
Readville Mechanical Coach Maintenance Facility	41R Wolcott Court Hyde Park, MA 02136	11	11	0	
Rockport Layover Facility	5 Station Square Rockport, MA 01966	4	4	4	Overnight Storage
South Hampton Front Yard (aka Front Yard)	2 Frontage Road South Boston, MA 02118	3	3	3	Overnight storage on Amtrak property; power supplied by temporary generator.
South Hampton Main Yard (aka Big Yard)	2 Frontage Road South Boston, MA 02118	4	0	8	Amtrak property; modification of existing plug-ins scheduled for 2012; each modified plug-in will supply electric power to two locomotives.
South Station Terminal	Summer Street Boston, MA 02110	13	13	0	Amtrak Property
Widett Circle Commuter Rail Service and Inspection Facility ("Widett Circle"): Maintenance/Storage Building	110 Widett Circle South Boston, MA 02118	2	2	2	
Widett Circle Facility: Track 4 & Runner Track	110 Widett Circle South Boston, MA 02118	1 (proposed)	0	2 (proposed)	New plug-in station will supply electric power to two locomotive on these tracks; work to be completed by 9/1/10.
Worcester Layover Facility	45 Shrewsbury Street Worcester, MA 01604	4	4	4	Overnight Storage